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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

|                           |   |                             |
|---------------------------|---|-----------------------------|
| UNITED STATES OF AMERICA, | ) | CR No. 08-0662 MAG          |
|                           | ) |                             |
| Plaintiff,                | ) |                             |
|                           | ) | STIPULATION AND             |
| v.                        | ) | <u>ORDER EXCLUDING TIME</u> |
|                           | ) |                             |
| MATTHEW STEVENS,          | ) |                             |
|                           | ) |                             |
| Defendant.                | ) |                             |
|                           | ) |                             |

On November 17, 2008, the parties in this case appeared before the Court for the defendant's arraignment. At that time, the parties stipulated that time should be excluded from the Speedy Trial Act calculations dating from November 17, 2008 to December 10, 2008 for effective preparation of defense counsel. The parties represented that granting the continuance was for the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(8)(B)(iv). The parties also agreed that the

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ends of justice served by granting such a continuance outweighed the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. § 3161(h)(8)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO  
United States Attorney

DATED: 11/18/08

/s/  
WENDY THOMAS  
Special Assistant United States Attorney

DATED: 11/18/08

/s/  
DANIEL BLANK  
Attorney for Mr. Stevens

As the Court found on November 17, 2008, and for the reasons stated above, the Court finds that an exclusion of time between November 17, 2008 and December 10, 2008 is warranted and that the ends of justice served by the continuance outweighs the best interests of the public and the defendant in a speedy trial. See 18 U.S.C. §3161 (h)(8)(A). The failure to grant the requested continuance would deny Mr. Stevens and deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. See 18 U.S.C. § 3161(h)(8)(B)(iv).

SO ORDERED.

DATED: November 19, 2008

  
BERNARD ZIMMERMAN  
United States Magistrate Judge